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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, DECEMBER 28, 2000

COMMONWEALTH OF VIRGINIA, ex rel.  
ROBERT E. LEE JONES JR.

v.

CASE NO. PUC990157

MCI WORLDCOM NETWORK SERVICES  
OF VIRGINIA, INC.  
and  
MCI WORLDCOM COMMUNICATIONS  
OF VIRGINIA, INC.

COMMONWEALTH OF VIRGINIA, ex rel.  
JEFFREY BARNES

v.

CASE NO. PUC990246

MCI WORLDCOM NETWORK SERVICES  
OF VIRGINIA, INC.  
and  
MCI WORLDCOM COMMUNICATIONS  
OF VIRGINIA, INC.

ORDER

By Order of December 8, 2000, the State Corporation Commission ("Commission") continued generally the hearing on this matter scheduled for December 12, 2000. We continued the case to permit sufficient time for consideration of a motion filed on behalf of the Virginia Department of Corrections ("DOC") to quash a subpoena duces tecum issued at the request of complainant, Robert E. Lee Jones Jr. ("Jones"). We have been advised by counsel for the Commission Staff that the parties

have initiated efforts in an attempt to resolve certain factual issues and that, as a result, Jones may withdraw his requests for certain subpoenas, including the subpoena duces tecum that is the subject of the motion to quash.

It has come to the Commission's attention that Jones filed, on December 14, 2000, a complaint concerning the DOC inmate telephone system in the United States District Court for the Western District of Virginia, Roanoke Division.<sup>1</sup> Jones's complaint names as defendants the MCI WorldCom companies that are parties to this proceeding, the DOC, and the Commission, among others.

It had been the Commission's intent to re-schedule the December 12, 2000, hearing for February 14, 2001. In such case, we would direct the Clerk to re-issue Jones's requested witness subpoenas that were not quashed, and we would reissue an order and writ of habeas corpus ad testificandum directing that Jones be brought to the Commission for the hearing on February 14.

As a result of having been named as an adverse party in the above-referenced action brought by Jones, we now question whether we should further proceed with this matter at this time. We invite the parties to advise us whether, and if so, how we should proceed in view of the litigation initiated by Jones in

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<sup>1</sup> Robert E. Lee Jones, Jr., et al. v. MCI WorldCom Communications, Inc., et al., Civil Action No. 7:00cv00968.

federal court. If we conclude that we should proceed, notwithstanding our posture as a defendant in Jones's federal complaint, we will conduct the re-scheduled hearing on February 14, 2001, and we will ensure that the appropriate witness subpoenas, orders, and writs are issued to provide for the attendance of necessary persons at a hearing on that day.

Accordingly, IT IS ORDERED:

(1) A hearing date of February 14, 2001, at 10:00 a.m. in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia, is reserved for the purpose of receiving evidence relevant to the issues identified in our Order of September 26, 2000.

(2) On or before January 16, 2001, the parties shall file with the Clerk of the Commission any recommendations for how the Commission should proceed with its matter in view of the federal complaint brought by Jones against certain parties to this proceeding and the Commission.

(3) On or before January 16, 2001, Jones shall file with the Clerk of the Commission any modifications to his requests for subpoenas filed November 29, 2000.

(4) Any motions for the Commission's consideration shall be filed on or before January 22, 2001. Except for good cause shown, the Commission will not consider any pre-hearing motions filed beyond this time.